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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/992,617	11/16/2001	Patrick Chiu	FX/A0014	5790
23910	7590	06/13/2006	EXAMINER	
FLIESLER MEYER, LLP FOUR EMBARCADERO CENTER SUITE 400 SAN FRANCISCO, CA 94111			KASSA, YOSEF	
		ART UNIT	PAPER NUMBER	
			2624	

DATE MAILED: 06/13/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	09/992,617	CHIU ET AL.
	<b>Examiner</b> YOSEF KASSA	<b>Art Unit</b> 2624

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### **Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

1)  Responsive to communication(s) filed on 03 April 2006.

2a)  This action is **FINAL**.                            2b)  This action is non-final.

3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## **Disposition of Claims**

4)  Claim(s) 1-31 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5)  Claim(s) 1-10 and 27-31 is/are allowed.

6)  Claim(s) 11-16 and 19-25 is/are rejected.

7)  Claim(s) 17, 18 and 26 is/are objected to.

8)  Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

9)  The specification is objected to by the Examiner.

10)  The drawing(s) filed on 16 November 2001 is/are: a)  accepted or b)  objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)  The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12)  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a)  All b)  Some \* c)  None of:  
1.  Certified copies of the priority documents have been received.  
2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1)  Notice of References Cited (PTO-892)  
2)  Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3)  Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.  
4)  Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_.  
5)  Notice of Informal Patent Application (PTO-152)  
6)  Other: \_\_\_\_\_.

***Response to Arguments***

1. Applicant's arguments/amendment, see (page 10-19) filed on 04/03/2006 with respect to the rejection of claims **1-26** under Shaffer et al (U.S. Patent 6,396,963), and Chen et al (U.S. Patent 6,307,550) have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made on **claims 11-26** under Fu et al (U.S. Patent 6,882,792).

***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claims 11-16, and 19-25** are rejected under 35 U.S.C. 103(a) as being unpatentable over Fu et al (U.S. Patent 6,882,792).

With regard to **claim 11**, Fu discloses a video collage, i.e., video album, (template) having at least one individual video frame (please refer to Fig. 5b, comprises plurality individual video frames);

a representative image associated with a video segment, wherein said representative image is contained in said at least one individual video frame (please

refer to Fig. 5c, the video image 582 is associated with group of video segment 584).

Although, FU reference does not expressly call for the phrase template, it would have been obvious if not inherent, that an ordinary artisan would have interpret the phrase template as video image data stored in the memory, would involve having individual video frames.

With regard to **claim 12**, Fu discloses video segment associated with representative image may be viewed by selecting representative image (please refer to Fig. 5c, the video segment 584 can be selected for view).

With regard to **claim 13**, Fu discloses wherein said video collage has a plurality of individual video frames, and wherein said plurality of individual video frame each contain representative image, wherein each representative image is associated with a video segment (please refer to Fig. 5c, comprises individual frames contain representative images and these video images are associated with each other (group of wedding or birthday video images, also refer to Fig. 5e and 5g).

With regard to **claim 14**, Fu discloses representative image is assigned an importance value based on a size of individual video frame in which said representative image is contained (please refer to col. 14, lines 65-col. 15, lines 5).

With regard to **claim 15**, Fu discloses wherein a length of video segment associated with representative image is reduced based on importance value (please refer to col. 13, lines 52-59).

With regard to **claim 16**, Fu discloses representative image is associated with a feature vector fixed length video (please refer to col. 13, line 52-67).

**Claim 19** is similarly analyzed and rejected the same as claim 11.

With regard to **claim 20**, Fu discloses wherein video segment selection device is used for selecting a representative image and inserting selected representative image into said at least one individual video frame (see Fig. 5e, reads on the process of adding video clip).

**Claim 21** is similarly analyzed and rejected the same as claim 11. As to the additional limitation of a processor, and a processor readable storage medium in communication with said processor (please refer to Fig. 1, block 70 items 72 and 74).

With regard to **claim 22**, Fu discloses select a plurality of video segments from said plurality of video segments (please refer Fig. 5e, read on the process of adding clip);

associate said selected plurality of video segments with a respective individual video segments (please refer to Fig. 5e selecting wedding or birthday video images); and, associate said selected plurality of video segments with a respective individual video frame of said video collage template (please refer to Fig. 5c and 5e).

With regard to **claim 23**, Fu discloses segment said video into a selected number of segments (please refer to Fig. 5c).

With regard to **claim 25**, Fu discloses compact said associated video segment (please refer to col. 2, lines 1-5).

3. **Claims 24** is rejected under 35 U.S.C. 103(a) as being unpatentable over Fu et al (U.S. Patent 6,882,792), and further on view of Chiu et al (U.S. Patent 6,819,795).

With regard to **claim 24**, Fu Fails to discloses segment video using Genetic Segmentation Algorithm ("GAS"). However, at the same field of endeavor, Chiu discloses this feature (please refer to col. 6, lines 53-65). At the time of the invention, it would have been obvious to a person of ordinary skill in the art to incorporate the teaching Chiu video image segmenting process into Fu system. The suggestion/motivation for doing so would have been to provide a genetic segmentation of a video image frames (please refer to col. 7, lines 15-25 of Chiu). Therefore, it would have been obvious to combine Chiu with Fu to obtain the invention as specified in claim 24.

***Allowable Subject Matter***

1. **Claims 1-10 and 27-31** are allowed.
2. The following is an examiner's statement of reasons for allowance. The closest prior art of record failed to teach or suggest, segmenting a video into a plurality of video segments based upon global properties of the entirety of said video, producing a video collage from said video collage template and said associated video segment (claims 1-10); and assigning a feature vector to said video segment, and truncating a portion of said video segment based on said importance value and feature vector, and producing a video collage from said video collage template and said associated video segment (claims 27-31). Therefore, in combination with all the other limitations claims 1-10 and 27-31 are allowable.

3. **Claims 17, 18 and 26** are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Other Prior Art Cited***

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

US Patent No. (6608563), (6383080), (5828809), (6097389) and (592228).

***Conclusion***

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to YOSEF KASSA whose telephone number is (571) 272-7452. The examiner can normally be reached on Monday-Thursday from 8:00 AM to 6:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, JINGGE WU can be reached on (571) 272-7429. The fax phone numbers for the organization where this application or proceeding is assigned is (571) 273-8300 for regular communication and (571) 273-8300 for after Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the customer service office whose telephone number is (571) 272-2600.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see <http://pair-direct.uspto.gov>.

Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

**PATENT EXAMINER**

Yosef Kassa



06/03/06.